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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WAYNE McFARLIN

Plaintiff,

v.

EDWARD GORMLEY, an individual; CITY
OF McMinnville, a Municipal Corporation;
CITY COUNTY INSURANCE SERVICES
TRUST; ROD BROWN, an individual;
PUBLIC SAFETY LIABILITY
MANAGEMENT INC., an Oregon corporation;
WALDO FARNHAM

Defendants.

Case No. 3:06-CV-1594-HU

**PLAINTIFF RESPONSE TO
CONCISE STATEMENT OF
MATERIAL FACTS BY
DEFENDANT FARNHAM**

Plaintiff responds to the Concise Statement of Material Facts by Defendant Farnham pursuant to LR 56.1(b) in opposition to said Defendant's Motion for Summary Judgment, and as set forth in Plaintiff's separate Concise Statement of Material Facts as to this Defendant:

1. Agree.
2. Agree.

Page 1 – Plaintiff Response to Concise Statement of Material Facts by Defendant Farnham

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3. Agree but dispute it was the middle of October.
4. As to sentence one, agree there was a discussion of a possibility, but no vote actually set. As to sentence two, agree Bladine told Gormley an article might run which might include criticism of the Chief.
5. Agree Gormley thought this in part, but deny it was the only concern about those possible events Gormley thought about.
6. Agree.
7. Dispute these were the “purpose of the meeting” to discuss with Plaintiff and deny written complaints Gormley received were to be discussed and that a vote of no confidence was set.
8. Agree although Plaintiff submitted the letter in response to a request or his understanding that he do so.
9. Agree.
10. Agree.
11. Agree.
12. Agree except as to the opinion expressed by Plaintiff with his experience and knowledge as a Chief of Police as stated in his Affidavit, (Ex. 40).
13. Agree but dispute Farnham has lived in the City for 71 years.
14. Agree.
15. Agree.
16. Agree except dispute Plaintiff stated “no drug dogs were available.”
17. Agree.
18. Agree.
19. Dispute the review was “done solely as a citizen of the City” and that it was only about “plaintiff’s accomplishments.”

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20. Agree.

21. Agree except dispute the memorandum (Ex. 18) was “addressed to Gormley,” dispute it was “addressed to Mayor Gormley detailing his meetings” and only contained “his own opinion of plaintiff.”

22. Dispute the claim only “stems” from Exhibit 18.

23. Dispute this is the extent of Plaintiff’s defamation claim against Farnham.

24. Agree.

25. Deny.

Plaintiff also incorporates herein each and every fact contained in the Concise Statement of Material Facts Submitted in Response to the Motion for Summary Judgment by this Defendant.

Dated this 13th day of November, 2007.

/s/ Terrence Kay
Terrence Kay
Terrence Kay, P.C.
OSB #814375
503/588-1944
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2007, I served the foregoing
PLAINTIFF RESPONSE TO CONCISE STATEMENT OF MATERIAL FACTS BY
DEFENDANT FARNHAM on the following parties:

Karen O'Kasey
Hoffman Hart & Wagner LLP
1000 SW Broadway, Suite 2000
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Of Attorneys for Defendants Gormley and City of McMinnville

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Of Attorneys for Defendants Brown, CCIST and PSLM

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Of Attorneys for Defendant Farnham

by electronic means through the Court's Case Management/Electronic Case File system.

Dated this 13th day of November, 2007.

/s/ Terrence Kay
Terrence Kay
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Attorney for Plaintiff